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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/238,995 | 01/28/1999 | JOSEPH C. KAWAN | CITI0122-US | 5611 |

75127 7590 09/30/2011
SNR DENTON US LLP (CITI CUSTOMER NUMBER)
ATTN: Eric Sophir
P.O. BOX 061080
CHICAGO, IL 60606-1080

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| EXAMINER |
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FELTEN, DANIEL S

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| ART UNIT | PAPER NUMBER |
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3693

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| NOTIFICATION DATE | DELIVERY MODE |
|-------------------|---------------|

09/30/2011

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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| | | | |
|------------------------------|------------------------|---------------------|--|
| Office Action Summary | Application No. | Applicant(s) | |
| | 09/238,995 | KAWAN, JOSEPH C. | |
| | Examiner | Art Unit | |
| | DANIEL FELTEN | 3693 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 5/24/2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ An election was made by the applicant in response to a restriction requirement set forth during the interview on ____; the restriction requirement and election have been incorporated into this action.
- 4) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 5) ☒ Claim(s) 1,8,12-15,39,42-50,55-58,63 and 69-81 is/are pending in the application.
- 5a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 6) ☐ Claim(s) ____ is/are allowed.
- 7) ☒ Claim(s) 1,8,12-15,39,42-50,55-58,63 and 69-81 is/are rejected.
- 8) ☐ Claim(s) ____ is/are objected to.
- 9) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 10) ☐ The specification is objected to by the Examiner.
- 11) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 12) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

1. Applicant received a decision from the BPAI on 3/25/2010. This decision included a 2 month window for reply. The Office mailed a Notice of Abandonment on 4/14/2010. This Notice of Abandonment was in error as the Application was not properly abandoned at this time. Additionally, Applicant's response filed on 5/24/2010 was in fact timely. Accordingly, this application is not abandoned. This communication serves to withdraw the Notice of Abandonment, as it was sent in error. Thus RCE filed on 5/24/2010 will be entered into the record and forwarded to the examiner for consideration.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 8, 12-15, 39, 42-50, 55-58, 63 and 69-81 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gutman et al (US 5,221, 838), Dagger (US 5,748,737), Coutts (US 5,563,393) in further view of Henderson et al (US 5,603,078) .

Gutman et al (US 5,221, 838), Dagger (US 5,748,737) and Coutts (US 5,563,393) have been discussed as it relates to the applicant's invention. The applicant now includes that bi-directional *infrared* communication via an *infrared emitter and sensor* of the hand-held computing device...wherein allowing the user

to initiate the contactless bi-directional communication interface further comprises guiding the hand-held computing device into a position of substantial alignment of the infrared emitter and sensor of the hand-held computing device with the infrared emitter and sensor of the self-service financial transaction terminal by a structure provided on a face of the self-service transaction terminal.

Henderson et al discloses infrared communication via an infrared emitter and sensor of the hand-held computing device...wherein allowing the user to initiate the contactless bi-directional communication interface (see Henderson, Abstract, column 3, lines 13 to column 4, line 6; and column 4, lines 32+).

Since Gutman discloses communications via an *optical wand* (116) and financial card reader (122) to perform financial transactions, it would be obvious for an Gutman to substitute infrared communications as enunciated in Henderson, as an optical alternative to wirelessly or remotely communicate between devices and/or provide financial transactions actions. Thus Gutman would have been familiar with infrared technology and have sought to use such technology to alternatively make payments and/or transactions between Gutman's electronic wallet and financial card.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DANIEL FELTEN whose telephone number is (571)272-6742. The examiner can normally be reached on Flex.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kramer James can be reached on (571) 272-6783. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Daniel S Felten
Primary Examiner
Art Unit 3693

/Daniel S Felten/
Primary Examiner, Art Unit 3693**